

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

FILED

8/29/2019

Clerk, U.S. District Court  
District of Montana  
Helena Division

TIMOTHY EDWARD SPENCER,

CV 18-00028-H-BMM-JTJ

Plaintiff,

vs.

ORDER

DR. VIRGINIA HILL, DR. STEVEN  
PALMERI, NURSE LORI  
SWANSON, NURSE JACK  
PRESTON, RICHARD OPPER, JOHN  
GLUCKERT and DR. PERINEAN,

Defendants.

On August 6, 2019, this Court issued an Order granting Defendants' Motion for Extension of Time to File Pre-Trial Motions and requiring Plaintiff Timothy Spencer to file a response to Defendants' Motion to Compel on or before August 23, 2019. (Doc. 27.) On August 16, 2019, the Clerk made a notation in the docket that the initial mailing of that Order was mislabeled and returned as undeliverable. The document was remailed to Mr. Spencer on August 16, 2019.

Out of an abundance of caution, the Court will reset the deadlines provided in the August 6, 2019 Order.

ACCORDINGLY IT IS HEREBY ORDERED THAT Mr. Spencer shall file

a response to Defendants' Motion to Compel Discovery on or before **September 13, 2019**. A failure to file a response to the motion and/or a failure to show good cause for failing to respond to Defendants' discovery requests may result in a recommendation that this matter be dismissed. The Court will reserve ruling on Defendants' Motion to Compel (Doc. 26) until Mr. Spencer has had an opportunity to respond.

IT IS FURTHER ORDERED THAT the Court's January 2, 2019 Scheduling Order (Doc. 18) is AMENDED as follows:

a. All pretrial motions with supporting briefs shall be filed and served on or before **October 11, 2019**. Briefing shall be in accordance with Rule 7 of the Local Rules of the United States District Court for the District of Montana. Rule 7 provides that responses to motions to dismiss, for judgment on the pleadings, or for summary judgment must be filed within 21 days after the motion was filed, and responses to all other motions must be filed within 14 days after the motion was filed. L.R. 7.1(d)(1).

With the service copy of each motion, Defendants must provide Mr. Spencer with a copy of the Court's Notice of Electronic Filing so Mr. Spencer is aware of the actual filing date for each motion. Mr. Spencer will be allowed an additional three days for mailing to be counted after the time period expires to file

his response.

b. If no dispositive motions are filed on or before the motion deadline, defense counsel must assume responsibility for convening a conference of all parties for the purpose of preparing a Proposed Final Pretrial Order. Counsel shall ensure that all tasks are accomplished as set forth in the Attachment to the Court's January 2, 2019 Scheduling Order (Doc. 18) on or before **November 8, 2019**. A Final Pretrial Conference and trial date will then be set by further Order of the Court.

DATED this 29th day of August, 2019.

/s/ John Johnston  
John Johnston  
United States Magistrate Judge